

Please amend claim 1 as follows:

1. (Twice Amended) An anti-microbial composition for use on the outer surface of the human body or on apparel worn in close proximity thereto comprising a carrier material and a salt of a transition metal chelator comprising a solution in an organic solvent of a transition metal chelator anion and an organic cation, wherein the cation comprises a protonated or quaternised amine, other than triisopropanolamine, containing 0 to 3 hydroxyl groups per N-substituent and at least one N-substituent comprising a C₁-C₁₀ terminal hydrocarbyl group.

REMARKS

Reconsideration and allowance of the captioned application in view of the foregoing amendments and the remarks that follow is respectfully requested. These comments are intended to advance the case to issue without delay. The claims in the application were 1-27. By this amendment, claim 2 is cancelled. Accordingly, the claims now in the application are claims 1 and 3-27.

Claim 1 has been amended to incorporate the limitations of cancelled claim 2.

It appears that there are some inconsistencies in the Office Action Summary and the contents of the Office Action. The Office Action Summary indicates that claims 1-4, 7, 8, 10-13, 15, 18, 21, 23 and 25 are rejected and that claims 5, 6, 9, 14, 16, 17, 19, 20, 22, 24, 26 and 27 are objected to. The text of the Office Action is inconsistent with the Office Action Summary in that the Office Action text indicates that claims 1, 3, 4, 8, 10-12, 15, 18, 22, 23 and 25 are rejected while claims 4-6, 8-12, 14, 22 and 24-27 are indicated as being objected to.

In the text of the Office Action, claims 1, 3, 4, 8, 10-12, 15, 18, 22, 23 and 25 have been rejected under 35 USC §102(b) as being anticipated by Voss (US 3,507,706). Voss is cited as teaching an antimicrobial composition for applying to

the outer surface of the human body comprising a carrier and transition metal chelator; wherein, the transition metal chelator comprises a transition chelator anion and an organic cation.

It is respectfully submitted that this rejection has been obviated by the above amendment that incorporates the limitations of claim 2 into dependent claim 1 thereby providing the limitation for all of the dependent claims which depend upon claim 1. More specifically, the limitation from claim 2 that the composition comprise a solution in an organic solvent of a transition metal chelator is incorporated into independent claim 1. This limitation is not disclosed in the cited art and thus obviates the rejection under 35 USC §102(b). Moreover, applicant submits that this limitation would not be obvious from the compositions disclosed by Voss.

In the text of the Office Action, claims 4-6, 8-12, 14, 22 and 24-27 are objected to for being dependent upon a rejected base claim, but said to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant notes that claim 2 was not rejected in under 35 USC §102(b) and this is correct because Voss does not disclose compositions comprising solutions in organic solvents. Thus applicant respectfully submits that claim 2 should likewise fall under the Examiner's objection to the claims that are dependent upon a rejected base claim. As previously stated, applicant has overcome these objections as well as the rejections under 35 USC §102(b) by incorporation of the limitations of claim 2.

In light of the above amendments and remarks, it is respectfully requested that the application be allowed to issue.

If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

BEST AVAILABLE COPY

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attachment is captioned "Version with Markings to Show Changes Made".

Respectfully submitted,



Kevin J. Stein
Registration No. 47,966
Attorney for Applicant(s)

KJS/sa
(201) 840-2394

BEST AVAILABLE COPY

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the claims:

Claim 2 has been cancelled.

Claim 1 has been amended as follows:

1. (Twice Amended) An anti-microbial composition for use on the outer surface of the human body or on apparel worn in close proximity thereto comprising a carrier material and a salt of a transition metal chelator comprising a solution in an organic solvent of a transition metal chelator anion and an organic cation, wherein the cation comprises a protonated or quaternised amine, other than triisopropanolamine, containing 0 to 3 hydroxyl groups per N-substituent and at least one N-substituent comprising a C₁-C₁₀ terminal hydrocarbyl group.